

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

JOHN WESTINE,)	
)	
Petitioner,)	
)	
vs.)	No. 05-3234-CV-S-RED-H
)	
ROBERT McFADDEN, Warden,)	
United States Medical Center for)	
Federal Prisoners,)	
)	
Respondent.)	

**REPORT AND RECOMMENDATION OF
THE UNITED STATES MAGISTRATE JUDGE**

Petitioner, who was formerly confined at the United States Medical Center for Federal Prisoners, has filed a Petition for Writ of Habeas Corpus, in which he alleges that he has been improperly denied the 500-hour residential drug abuse treatment program and an opportunity to receive a reduction of sentence. He also asserts that the Federal Bureau of Prisons is attempting to force payment of his fine as a prerequisite to participation in the program.

Whatever the merits of petitioner's allegations, he has not exhausted his administrative remedies and this matter cannot proceed. *See* 42 U.S.C. 1997e(a).

For the foregoing reasons, it is, pursuant to the governing law and in accordance with Local Rule 72.1 of the United States District Court for the Western District of Missouri,

RECOMMENDED that petitioner be denied leave to proceed in forma pauperis, and that the petition herein for writ of habeas corpus be dismissed without prejudice.¹

/s/ James C. England
JAMES C. ENGLAND, CHIEF
UNITED STATES MAGISTRATE JUDGE

Date: March 20, 2006

¹ The pro se motions filed by petitioner are denied.